

REMARKS

Claims 1-9 and 22-32 are pending in this application. Applicant has added new Claims 22-32. Applicant respectfully submits that the newly added Claims 22-32 do not contain new matter. Applicant has also amended Claims 1-9 so as to more clearly distinguish the present invention, as defined by Claims 1-9, over the prior art. Applicant has also amended Claim 9 so as to overcome the formal matter rejection of the Examiner. Applicant respectfully submits that the amendments to each of Claims 1-9 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1-9 and 22-32, is patentable over the prior art.

Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. DEFINITIONS:

Applicant uses the phrase "at least one of . . . and . . ." in certain of the claims. In all instances, the phrase "at least one of . . . and . . ." means only one item from the list, or any combination of items in the list.

Applicant respectfully submits that the phrase having the form "at least one of A and B", where each of A and B is either a term or a phrase, the phrase "at least one of A and B" means "only A, only B, or A and B". In instances in which three or more terms and/or phrases are present in an "at least one of . . . and . . ." phrase, Applicant provides the following example definitions: the phrase "at least one of A, B, and C" means "only A, only B, only C, or any combination of A, B, and C"; the phrase "at least one of A, B, C, and D" means "only A, only B, only C, only D, or any combination of A, B, C, and D"; the phrase "at least one of A, B, C, D, and E" means "only A, only B, only C, only D, only E, or any combination of A, B, C, D, and E", and so on.

For example, in Claim 1, the phrase "at least one of the Internet and the World Wide Web" means "only the Internet,

only the Word Wide Web, or any combination of the Internet and the World Wide Web".

Applicant respectfully submits that the above definitions do not contain new matter. Support for the above definitions can, for example, be found in the originally filed Specification at page 51, line 6 to page 52, line 16; page 49, line 16 to page 51, line 1; and page 138, line 6 to page 140, line 20.

II. THE 35 U.S.C. §112 REJECTIONS AND "FORMAL" MATTERS:

The Examiner asserts that Claim 9 is rejected under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In particular, the Examiner indicated that "The claim recites 'at least one of a receiver for receiving and a memory device for storing' and subsequently requires a receiver for the transmission. Therefore, it is unclear whether the receiver is required or if it is in the alternative only."

As noted above, Applicant has amended independent Claim 9 so as to overcome the formal matter rejection of the Examiner. In particular, Applicant has amended independent Claim 9 so that Claim 9 includes a "receiver" as a recited element of the Claim. In view of the foregoing, Applicant respectfully submits that independent Claim 9, as amended, is in compliance with 35 U.S.C. §112. In view of the above, withdrawal of the Examiner's rejection of independent Claim 9 is respectfully requested.

III. THE 35 U.S.C. §102 REJECTIONS:

The Examiner asserts that Claims 1-9 are rejected under 35 U.S.C. §102(e) as being anticipated by Ballantyne, et. al, U.S. Patent No. 5,867,821 (Ballantyne).

As noted above, Applicant has amended Claims 1-9 so as to more clearly distinguish the present invention, as defined by Claims 1-9, over the prior art. Applicant has also amended Claim 9 so as to overcome the formal matter rejection of the Examiner. Applicant respectfully submits that the amendments to each of Claims 1-9 do not contain new matter. Applicant has also added new Claims 22-32. Applicant respectfully submits that the newly added Claims 22-32 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1-9 and 22-32, is patentable over the prior art.

IIIA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 1-8 AND 22-29, IS PATENTABLE OVER THE PRIOR ART:

Applicant respectfully submits that the present invention, as defined by Claims 1-8 and 22-29, is patentable over the prior art. Applicant submits that the present

invention, as defined by independent Claim 1, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 1, is patentable over Ballantyne. Applicant respectfully submits that Ballantyne does not disclose or suggest an apparatus, comprising a processor, wherein the processor processes a request to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file, wherein the processor determines whether an individual or entity is authorized to at least one of access, obtain, change, alter, and modify, information contained in the patient's healthcare record or the patient's healthcare file, and further wherein the processor generates a notification report containing information regarding the request to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file, wherein the notification report contains information regarding at least one of the individual or entity who or which obtained, accessed, changed, altered, or modified, the patient's healthcare record or the patient's healthcare file, identification information regarding the individual or entity, a time and date the

individual or entity obtained, accessed, changed, altered, or modified, the patient's healthcare record or the patient's healthcare file, a reason for the individual or entity obtaining, accessing, changing, altering, or modifying, the patient's healthcare record or the patient's healthcare file, a nature of any change, alteration, or modification, made to the information contained in the patient's healthcare record or the patient's healthcare file, and information regarding a subject of, or an actual change, alteration, or modification, made to the patient's healthcare record or the patient's healthcare file, all of which features are specifically recited features of independent Claim 1.

Applicant submits that Ballantyne does not disclose or suggest the recited apparatus which comprises the recited processor which processes the recited request to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file, and which determines whether an individual or entity is authorized to at least one of access, obtain, change, alter, and modify, information contained in the patient's healthcare record or the patient's healthcare file. Applicant further submits that Ballantyne does not disclose

or suggest the recited processor which generates the recited notification report containing information regarding the recited request to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file.

Applicant further submits that Ballantyne does not disclose or suggest the recited notification report which contains information regarding at least one of the individual or entity who or which obtained, accessed, changed, altered, or modified, the patient's healthcare record or the patient's healthcare file, identification information regarding the individual or entity, a time and date the individual or entity obtained, accessed, changed, altered, or modified, the patient's healthcare record or the patient's healthcare file, a reason for the individual or entity obtaining, accessing, changing, altering, or modifying, the patient's healthcare record or the patient's healthcare file, a nature of any change, alteration, or modification, made to the information contained in the patient's healthcare record or the patient's healthcare file, and information regarding a subject of, or an actual change, alteration, or modification, made to the patient's healthcare record or the patient's healthcare file.

Applicant further submits that Ballantyne does not disclose or suggest a transmitter, wherein the transmitter transmits the notification report to a patient communication device of the patient, and further wherein the notification report is transmitted to the patient communication device on or over at least one of the Internet and the World Wide Web or on or over a wireless communication network, all of which features are still other specifically recited features of independent Claim 1.

Applicant submits that Ballantyne does not disclose or suggest the recited transmitter which transmits the recited notification report to the recited patient communication device of the patient. Applicant further submits that Ballantyne does not disclose or suggest the recited notification report which is transmitted to the recited patient communication device on or over at least one of the Internet and the World Wide Web or on or over a wireless communication network.

In view of the foregoing, Applicant respectfully submits that Ballantyne does not disclose or suggest many of the specifically recited features of independent Claim 1. In view of the above, Applicant respectfully submits that the

present invention, as defined by independent Claim 1, is patentable over Ballantyne.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art. Applicant further submits that Claims 2-8 and 22-29, which Claims depend either directly or indirectly from independent Claim 1, are also patentable as said Claims 2-8 and 22-29 depend from allowable subject matter.

Allowance of pending Claims 1-8 and 22-29 is, therefore, respectfully requested.

IIIB. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 9 AND 30-32, IS PATENTABLE OVER THE PRIOR ART:

Applicant submits that the present invention, as defined by Claims 9 and 30-32, is patentable over the prior art. Applicant submits that the present invention, as defined by independent Claim 9, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 9, is patentable over Ballantyne. Applicant submits that Ballantyne does not

disclose or suggest an apparatus, comprising a receiver for receiving information regarding a restriction or limitation regarding an ability of an individual or entity to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file of a patient, wherein the information regarding a restriction or limitation is transmitted from a patient communication device, and a memory device for storing the information regarding the restriction or limitation, all of which features are specifically recited features of independent Claim 9.

Applicant submits that Ballantyne does not disclose or suggest the recited apparatus which comprises the recited receiver for receiving the recited information regarding a restriction or limitation regarding an ability of an individual or entity to at least one of access, obtain, change, alter, and modify, information contained in a patient's healthcare record or a patient's healthcare file of a patient. Applicant further submits that Ballantyne does not disclose or suggest the recited information regarding a restriction or limitation which is transmitted from the recited patient communication device. Applicant further submits that Ballantyne does not disclose or suggest the

recited memory device for storing the recited information regarding the restriction or limitation.

Applicant respectfully submits that Ballantyne does not disclose or suggest a processor for processing a request to at least one of access, obtain, change, alter, and modify, information contained in the patient's healthcare record or the patient's healthcare file, wherein the processor processes the request utilizing the information regarding the restriction or limitation, and further wherein the processor determines whether an at least one of accessing, obtaining, changing, altering, and modification, of the information contained in the patient's healthcare record or the patient's healthcare file is at least one of authorized, allowed, not authorized, not allowed, and restricted, based on the information regarding a restriction or limitation, all of which features are still other specifically recited features of independent Claim 9.

Applicant submits that Ballantyne does not disclose or suggest the recited processor for processing the recited request to at least one of access, obtain, change, alter, and modify, information contained in the patient's healthcare record or the patient's healthcare file, wherein the recited

processor processes the recited request utilizing the recited information regarding the restriction or limitation.

Applicant further submits that Ballantyne does not disclose or suggest the recited processor which determines whether an at least one of accessing, obtaining, changing, altering, and modification, of the recited information contained in the patient's healthcare record or the patient's healthcare file is at least one of authorized, allowed, not authorized, not allowed, and restricted, based on the recited information regarding a restriction or limitation.

In view of the foregoing, Applicant respectfully submits that Ballantyne does not disclose or suggest many of the specifically recited features of independent Claim 9. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 9, is patentable over Ballantyne.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 9, is patentable over the prior art. Applicant further submits that Claims 30-32, which Claims depend either directly or indirectly from independent Claim 9, are also patentable as said Claims 30-32 depend from allowable subject matter.

Allowance of pending Claims 9 and 30-32 is, therefore, respectfully requested.

IV. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 1-9 and 22-32 is, therefore, respectfully requested.

A STATEMENT OF THE SUBSTANCE OF THE EXAMINER INTERVIEW is submitted herewith.

Respectfully Submitted,



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Encls.: - Abstract of the Disclosure
- STATEMENT OF THE SUBSTANCE OF THE EXAMINER INTERVIEW

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